DETAILED ACTION

1. This Action is substantially a re-mailing of the Final Rejection mailed on 4/16/08.

2. The Office withdraws the previous rejections of the claims under 35 USC §103(a), in light of the amendment. However, the Office sets forth new rejections of the claims under 35 USC §§112-2nd paragraph and 103(a), in light of the amendment.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Office Notes

4. The independent claims (19 and 26) directed to a "server' have been interpreted as encompassing a hardware embodiment (and not software per se). Such an interpretation is deemed reasonable in light of figure 2, for example, which shows a server as including various hardware elements, such as a hard disk.

Claim Objections

5. **Claim 23 is objected to** because of the following informalities: This claim appears to contain a grammatical error at line 15 ("in case where"). Appropriate correction is required. See MPEP 608.01(m).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 26-30 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are vague and ambiguous, and thus, their scope is indeterminable.

Regarding independent claim 26: It is unclear when the recited "communication session" ends, and therefore when the adapted documents are "eliminated" from the server. It appears that the servicing of the first document request ends the communication session, in which case the adapted documents appear to be eliminated before the second document access request even occurs.

Claims 29 and 30 are substantially similar to claim 26, and therefore likewise rejected.

Claim 27 and 28 depend upon claim 26, and therefore are likewise rejected.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 19, 22-24 and 26-30 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Mighdoll et al. (European Patent Application Publication No. EP 0-811-939 A2, published Dec. 10, 1997, hereafter referred to as "Mighdoll") in view of Hirose et al. (US Patent Application Publication No. 2005/0246635, filed via continuation on Jun. 30, 1999 and published Nov. 3, 2005, hereafter referred to as "Hirose") and Tong Sau Loon et al. ("Alleviating the Latency and Bandwidth Problems in WWW Browsing", USENIX, Monterey, CA, Dec. 1997, pp. 1-13, hereafter referred to as "Loon").

Regarding independent claim 19: Mighdoll teaches ***A server for providing a document via a network, comprising: receiving means for receiving, from a user terminal, a first request for access to a first document;*** (See Mighdoll col. 6 lines 32-33 discussing reception of a client request for a document.) ***adapting means for adapting, wherein the adapting means adapts the second document, before the server receives a second request for access to the second document from the user terminal;*** (See Mighdoll Abstract and col. 8 lines 25-30 discussing

document transcoding and col. 10 lines 26-30 discussing that a document has already been transcoded, in the context of col. 14 lines 50-56 discussing prefetching.) ***and sending means for sending to the user terminal the second document adapted by the adapting means, when the receiving means receives the second request for access to the second document.*** (See Mighdoll col. 10 lines 26-30 discussing the downloading of a previously transcoded document to a requesting client.)

However, Mighdoll does not explicitly teach the remaining limitations as claimed. Hirose, though, discloses ***the first document and a second document in accordance with characteristics of the user terminal included in the first request*** (See Hirose paragraph [0103] discussing obtaining terminal attributes indirectly from a field in the HTTP header.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hirose for the benefit of Mighdoll, because to do so allowed a designer to implement a system for adapting display documents to user terminals, as taught by Hirose in the Abstract. These references were all applicable to the same field of endeavor, i.e., WWW browsing.

Additionally, Mighdoll does not explicitly teach the remaining limitations as claimed. Loon, though, discloses ***in a case where an access probability of the second document is greater than a threshold*** (See Loon section "3. Performance Enhancing Heuristics" noting item "4. Weighting edges" which discusses the use of a weighting to decide which documents to prefetch, in the context of item #9 discussing a minimum threshold access frequency.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Loon for the benefit of Mighdoll in view of Hirose, because to do so allowed a designer to implement a system to improve the performance of standard web browsing, as taught by Loon in the Abstract. These references were all applicable to the same field of endeavor, i.e., WWW browsing.

Regarding claim 22: Mighdoll teaches ***wherein the characteristics related to the user terminal are at least one of a screen size, a type of a display, a memory, a capacity of a modem, and software capabilities of the user terminal including a presence or absence of a browser, an image display, an audio file or video sequence reader***. (See Mighdoll col. 8 lines 27-30 discussing resizing images to fit on a web television set display.)

Claims 23 and 24 are each substantially similar to claim 19, and therefore likewise rejected.

Regarding independent claim 26: Mighdoll teaches ***A server for providing a document via a network, comprising: receiving means for receiving, from a user terminal, a first access request for access to a first document,*** (See Mighdoll col. 6 lines 32-33 discussing reception of a client request for a document.) ***selecting means for selecting documents to be adapted according to the determined order;*** (See Mighdoll col. 10 lines 26-30 discussing downloading of a transcoded document, it having been implied that such downloaded documents were previously

selected.) ***adapting means for adapting for output, in accordance with the acquired characteristics related to the user terminal, the selected documents in said determined order before receiving a second access request for access to a second document, wherein the adapting means adapts for output documents in which the frequency of access is higher than a threshold;*** (See Mighdoll Abstract and col. 8 lines 25-30 discussing document transcoding and col. 10 lines 26-30 discussing that a document has already been transcoded, in the context of col. 14 lines 50-56 discussing prefetching.) ***receiving means for receiving a second access request for access to a second document;*** (See Mighdoll col. 6 lines 32-33 discussing reception of a client request for a document.) ***reading means for reading out the second document, which has been adapted by the adapting means, upon reception of the second access request for access to the second document;*** (See Mighdoll col. 10 lines 26-30 discussing the downloading of a previously transcoded document to a requesting client, it having been implied that a document was first read out before being transmitted [via downloading, for example].) ***sending means for sending the second document read out by the reading means to the user terminal;*** (See Mighdoll col. 10 lines 26-30 discussing the downloading of a previously transcoded document to a requesting client.)

However, Mighdoll does not explicitly teach the remaining limitations as claimed. Hirose, though, discloses ***said first access request beginning a communication session;*** (See Hirose Fig. 9 "SAME SESSION" teaching the tracking of sessions.) ***acquiring means for acquiring characteristics related to the user terminal contained in said first access request;***

(See Hirose paragraph [0103] discussing obtaining terminal attributes indirectly from a field in the HTTP header.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hirose for the benefit of Mighdoll, because to do so allowed a designer to implement a system for adapting display documents to user terminals, as taught by Hirose in the Abstract. These references were all applicable to the same field of endeavor, i.e., WWW browsing.

Additionally, Mighdoll does not explicitly teach the remaining limitations as claimed. Loon, though, discloses ***determining means for determining an order for adapting documents for outputting the documents according to a frequency of access to the documents;*** (See Loon at the end of the 2nd paragraph in the section entitled "2.3 Usage Pattern Profile" discussing the use of weights determined solely by frequency of access.) ***and eliminating means for eliminating said adapted documents on said server at the end of said communication session.*** (See Loon at the end of the 2nd paragraph in the section entitled "2.3 Usage Pattern Profile" discussing the recalculation of weights at the beginning of each web session and Fig. 8 step #107503 discussing the clearing of a cache, in the context of Fig. 9 "SAME SESSION" teaching the tracking of sessions.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Loon for the benefit of Mighdoll in view of Hirose, because to do so allowed a designer to implement a system to improve the performance of standard web

browsing, as taught by Loon in the Abstract. These references were all applicable to the same field of endeavor, i.e., WWW browsing.

Regarding claim 27: Mighdoll does not explicitly teach the remaining limitations as claimed. Loon, though, discloses ***wherein said adapting means further adapts for output all the documents situated in the server.*** (See Loon item "9 Thresholds" in the section entitled "3. Performance enhancing Heuristics" discussing the use of thresholds, it being noted that the choice of a threshold value of 0 was merely an obvious variant.)

Claim 28 is substantially similar to claim 22, and therefore likewise rejected.

Claims 29 and 30 are each substantially similar to claim 26, and therefore likewise rejected.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Non-Patent Literature

Jing, Jin, et al., "Client-server Computing in Mobile Environments", ACM Computing Surveys, Vol. 31, No. 2, Jun. 1999, pp. 117-157.

Maass, Henning, "Location-aware Mobile Applications Based on Directory Services", RIDE-VE '99, Sydney, Australia, Mar. 23-24, 1999, pp. 157-173.

Maass, Henning, "Open Mobility Management Platform with Directory-Based Architecture and Signalling Protocols", 1998 IEEE Conference on Open Architectures and Network Programming, San Francisco, CA, Apr. 3-4, 1998, pp. 72-87.

US Patent Application Publications

Bendelac et al	2005/0122997

US Patents

Bendelac et al	6,845,102
Sivula	6,795,711
Schneider	6,944,658

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Stevens/
Primary Examiner, Art Unit 2162

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